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EXAMINER

BELIVEAU, SCOTT E

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/696,395

Applicant(s)

PEARSON ET AL.

Examiner

Scott Beliveau

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2005-06-8
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-33 have been considered but are moot in view of the new ground(s) of rejection.

With respect to applicant's arguments such that the Ansari et al., Ho, and Ehreth references fail to disclose or suggest the newly added limitations pertaining to modulating a video signal to a frequency band/block associated with a particular user, the examiner respectfully disagrees. The claims set forth that a particular modulated frequency band/block is associated with a particular user. Applicant's argue that the references only teach the association between a particular television and a particular frequency, but do not teach modulating a signal to a frequency associated with a particular user. The particular term "associated with" is commonly understood to mean that something is related to or has some relationship with something else. In operation, the aforementioned references disclose that a user requests and watches a particular television program on a particular television. Accordingly, the user is associated with or related to the particular frequency of modulation by virtue of watching a particular television which utilizes a particular frequency band.

With respect to applicant's arguments that Ehreth fails to disclose the limitation of linking a "*plurality of users* with associated carrier frequencies", the examiner respectfully disagrees. The examiner respectfully notes the reference discloses the existence of a plurality of users each of which are "linked" to a particular channel by virtue of simultaneously watching a particular television associated with or assigned to a particular frequency or channel (Col 5, Lines 15-29).

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In response to applicant's generic arguments that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, as set forth in the grounds of rejection, the prior art provides some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 11-15 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Ho (US Pat No. 6,622,307 B1).

In consideration of claim 11, the Ho reference discloses a “distribution method” for distributing digital television programming to a plurality of televisions within a household.

The method comprises “receiving an incoming signal that comprises information representing a plurality of video streams” [135/120], “generating a first” and “second modulated signal representing” a respective “first” and “second video stream information modulated within” a respective “first” and “second frequency band” [106] and “associated with” a respective “first” and “second user” (ex. parent and child or logical “first” and “second user” associated with a single user watching/using multiple televisions) requesting a particular program/channel (Col 10, Line 58 – Col 11, Line 41), and “outputting a combined signal” [110] to a “premise network” [134] (Col 8, Lines 8-36; Col 9, Lines 12-46).

Claim 12 is rejected wherein the “first frequency band” implicitly “comprises an approximately 6 megahertz block of the radio spectrum” corresponding to the FCC assigned channel frequency bands for UHF/VHF signals (Col 9, Lines 12-23; Col 11, Lines 8-23).

Claim 13 is rejected wherein the “incoming signal comprises a direct broadcast satellite signal” [120] (Col 7, Lines 11-20).

Claim 14 is rejected wherein the “incoming signal comprises a cable television signal” [135] (Col 8, Lines 13-20).

Claim 15 is rejected wherein the “premise network” [134] comprises a “coaxial cable network installed in a residential home” (Col 8, Lines 18-36).

In consideration of claim 18, the system “spits the incoming signal into at least two intermediate signals, each of the at least two intermediate signals comprising first video stream information and second video stream information” [108] and the associated IRDs [106] subsequently “parse one of the intermediate signals to find the first video stream

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information”, and “parse a second of the intermediate signals to find the second video stream information” (Col 2, Lines 22-30; Col 7, Line 39 – Col 8, Lines 13 and 51-65).

4. Claims 20-24 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Ansari et al. (US Pub No. 2004/006772 A1).

In consideration of claim 20, Figure 1 of the Ansari et al. reference (hereafter referenced as Ansari et al. ('772)) illustrates “video distribution system” and further explicitly incorporates by reference Ansari et al. (US Pub. No. 2004/00769 A1) (hereafter referenced as Ansari et al. ('769)) and Ansari et al. (US Pub No. 2004/0015997 A1) (hereafter referenced as Ansari et al. ('997)) (Ansari et al. ('772): Para. [0001]). As illustrated in Figure 1 (Ansari et al. ('769), the system comprises a “plurality of remote controllable channel output modules” [50/52/54/56] associated with a “premise network interface” interconnecting the modules to the “premise network” [22]. As set forth in the reference, “each [remote controllable channel output module is] configured to output a signal modulated to an assigned frequency block associated with a particular user” by virtue of a particular user requesting to view a particular channel/program using a particular television wherein the “signal represents [a] decoded version of a selected MPEG video stream”. The system further comprises a “premise network interface” interconnecting the module to a “premise network” [22] which is “operable to output a composite signal to a premise network . . . [wherein] the composite signal comprises a modulated signal from at least one of the plurality of remote controllable channel output modules” (Ansari et al. ('769): Para. [0020] and [0026] – [0027]).

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Claim 21 is rejected wherein the “premise network comprises a wireless local area network” (Ansari et al. ('997): Para. [0009]).

Claim 22 is rejected wherein the “premise network” [61] comprises “coaxial cable” (Ansari et al. ('772): Para. [0040]).

In consideration of claims 23 and 24, the Ansari et al. ('769) discloses that the “remote controllable channel output modules” are operable to output “Very High Frequency spectrum assigned to television channels” (Ansari et al. ('769): Para. [0027]) not limited to channels 3 and 4 respectively. The Ansari et al. ('722) reference explicitly discloses that the “remote controllable channel output modules” [142/144/146/150] are operable to output RF channels 2, 3, 4, and 5 respectively. Accordingly, the reference anticipates the particular usage of the claimed frequency blocks in accordance with the FCC frequency assignments for the corresponding VHF channels. In particular, the “first of the remote controllable channel output modules” [144] utilizes an “assigned frequency block . . . comprising a range of approximately 60 to 66 MHz” given that the particularly claimed frequency range corresponds to VHF channel 3, the “second of the remote controllable channel output modules” [145] utilizes an “assigned frequency block . . . comprising a range of approximately 66 to 72 MHz” given that the particularly claimed frequency range corresponds to VHF channel 4, and the “third of the remote controllable channel output modules” [146] utilizes an “assigned frequency block . . . comprising a range of approximately 76 to 82 MHz” given that the particularly claimed frequency range corresponds to VHF channel 5.

Claim 26 is rejected wherein the system comprises a “first remote controllable channel output module” [50] which is “fixed to output information to one assigned frequency block” corresponding to a particular channel (Ansari et al. ('769): Para. [0027]).

5. Claims 29 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Ehreth (US Pat No. 6,286,142 B1).

In consideration of claim 29, the Ehreth reference discloses a method for “facilitating video distribution” within a residence. In particular, the method comprises “linking a plurality of users with associated carrier frequencies” wherein each individual user associated with a requested program to be displayed on a given television [100] is linked to that particular television by virtue of the relationship established by between the user watching a particular program on a particular television over that is distributed over the user designated carrier frequency (ex. the channel frequency corresponding to channel “4” is the user’s link to being able to watch a requested program through the shared network” (Col 4, Lines 24-34). In response to “receiving a command from the user”, the system “modulates” [34] a “decoded video stream identified by the command on a carrier frequency associated with the first user” and “outputs the modulated stream to a premise network” [90] by “tuning a premise network connected television” [100] to the “carrier frequency associated with the first user” (Col 3, Line 35-50; Col 3, Line 65 – Col 4, Line 12; Col 4, Line 44 – Col 5, Line 39).

Claim 31 is rejected in view of claim 29 wherein the reference discloses the existence of a “second user” with a different associated “carrier frequency” (Col 5, Lines 16-29). As such, the reference anticipates the method of “receiving another command from a second

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user”, “modulating a chosen decoded video stream identified by the other command on a carrier frequency associated with the second user”, and “outputting the modulated chosen stream to the premise network such that the second user can access the modulated chosen stream by tuning a given premise network connected television to the carrier frequency associated with the second user” (Col 5, Lines 30-43).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
8. Claims 1 and 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al. (US Pub No. 2003/0145321 A1) in view of Ansari et al. (US Pub No. 2004/006772 A1).

In consideration of claim 1, the Bates et al. reference discloses a “video distribution system” wherein a plurality of users share a single “receiver” which enables parental control to the access of associated programming. The reference, however, is silent which respect to the particular usage of the set-top box [14] or receiver so as to advantageously facilitate the delivery of video and data services in connection with multiple television households.

Figure 1 of the Ansari et al. reference (hereafter referenced as Ansari et al. ('772)) illustrates a “video distribution system” and further explicitly incorporates by reference Ansari et al. (US Pub. No. 2004/00769 A1) (hereafter referenced as Ansari et al. ('769)) and Ansari et al. (US Pub No. 2004/0015997 A1) (hereafter referenced as Ansari et al. ('997)) (Ansari et al. ('772): Para. [0001]). As illustrated in Figure 2 (Ansari et al. ('772), the system comprises a “receiver operable to receive a multiplexed signal comprising a plurality of encoded video information streams” [10] associated with an MPEG encoded DBS video programming for a plurality of channels (Ansari et al. ('772): Para. [0016]; Ansari et al. ('769): Para. [0026]), a “first decoder” [82] and a “second decoder” [84] each respectfully “coupled to the receiver” [30] and “operable to decode” a respective “first” and “second video information stream of the multiplexed signal” (Ansari et al. ('772): Para. [0028]; Ansari et al. ('769): Para. [0026]), and a “remote control mechanism” [52] that is “operable to communicate a request signal to the first decoder requesting that the first decoder decode a different video information stream of the multiplexed signal” (Ansari et al. ('772): Para. [0030]).

The reference further discloses the usage of a mixer/modulator or “combiner” [132] that is operable to “output a composite signal” comprising a “decoded first video information

stream” derived from the DBS service [30] and a “second decoded video information stream” derived from the DSL service [32] wherein the respective “first” and “second video information stream” is “modulated to a first” and “second radio frequency band . . .” corresponding to a particular television channel (Ansari et al. (‘772): Para. [0039]).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify Bates et al. so as to provide a means so as to provide digital services to multiple rooms throughout the household without requiring the usage of multiple set-top boxes (Ansari et al. (‘772): Para. [0005]) and to further advantageously provide a means by which multiple household residents may simultaneously watch and view programming of interest (ex. children/parents don’t need to fight over what to watch).

Taken in combination, with respect to the particular limitation such that the aforementioned “composite signal” comprises a respective “first” and “second video information stream modulated” to a respective “first” and “second radio frequency band associated” with a respective “first” and “second user”, the Ansari et al. reference discloses that signal modulation occurs in response to a end-user request to view a particular program/channel using a particular television. Given a multiple user household (ex. “first user” and “second user” – parent, child 1, child 2, etc.) whereupon each user requests to view a particular program/channel, the requested program/channel is modulated onto a particular frequency (ex. “first” and “second”) whereupon the user is related to or associated with that particular frequency by virtue of watching/using a television using the frequency band to receive the requested program/channel. Accordingly, the combined teachings meet the limitation wherein the “composite signal comprises a decoded first video information stream

modulated to a first radio frequency band associated with a first user and a decoded second video information stream modulated to a second radio frequency band associated with a second user". While the reference comprises a plurality of televisions within the household, it is unclear if the household comprises a number of residents or if the household merely comprises a single user with multiple televisions which can be watched/used simultaneously. The examiner takes OFFICIAL NOTICE that it is notoriously well known in the art at the time the invention was made for a household to comprise multiple users.

In consideration of claim 5, Figure 2 illustrates that the Ansari et al. ('772) is interconnected with a DSL service [32]. The Ansari et al. ('769) reference provides further details as to this interconnection and discloses that the conventional DSL service includes "a network interface" [26] which "provides at least a portion of a communication path interconnecting the receiver and a wide area communication network" such as the Internet (Ansari et al. ('769): Para. [0038]). The Ansari et al. ('997) reference further discloses the existence of a "communication module having a local area wireless transceiver" [304] (Para. [0017] and [0040]) so as to facilitate intercommunication to/from the local PCs [22/24/26/30].

Claim 6 is rejected wherein the "premise network" [61] comprises "installed coaxial cable" (Ansari et al. ('772): Para. [0040]).

Claim 7 is rejected wherein the "modem device" [106] is "selected from the group consisting of an . . . xDSL modem" (Ansari et al. ('772): Para. [0032]).

Claim 8 is rejected wherein the system further comprises a "messaging engine" [112] that is "operable to initiate communication of message information via the premise network" [61]

wherein the “message information represents a message sent using a serves selected from the group consisting of electronic mail . . . [and] IM” (Ansari et al. (‘772): Para. [0014]).

Claim 9 is rejected wherein the Bates et al. reference discloses the usage of a “metric engine” [24] that is operable to “track a metric associated with . . . [a] video information stream, wherein the metric is selected from the group consisting of . . . amount of time associated with outputting the decoded . . . video information stream” (Bates et al.: Para. [0032]). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention to further to utilize the “metrics engine” such as that disclosed by Bates et al. for the purpose of advantageously providing a means to track and limit the amount of time an individual may view a particular channel or program in a given period (Bates et al.: Para. [0048]).

Claim 10 is rejected wherein the system further comprises a “graphical user interface (GUI) engine” [112] which is “operable to initiate presentation of a GUI on a television display” [12/14/16/20] via the “premise network” [61]. The “GUI” may be in the form of a received web-page or other on-screen interface so as to facilitate the selection and playback of stored content (Ansari et al. (‘772): Para. [0035] and [0037]).

9. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al. (US Pub No. 2003/0145321 A1), in view of Ansari et al. (US Pub No. 2004/006772 A1), and in further view of Swisher et al. (US Pat No. 6,418,149).

In consideration of claim 2, while the Ansari et al. (‘772) reference discloses the particular usage of an xDSL “modem” [106] and “duplexers”, it does not explicitly disclose nor preclude the particular interconnection means of the centralized unit to the bi-directional

DSL service [32] as claimed. In a related art pertaining to distribution of video and high-speed data services through the usage of a centralized gateway to a plurality of televisions, Figure 3 of the Swisher et al. reference illustrates the particular usage of a “diplexer” [610/620] that is “operable to distinguish between upstream and downstream communication flow” associated with the distribution of data and video signals within a residence and is “operable to output the multiplexed signal to the receiver” [200] or centralized distribution unit (Col 6, Line 23 – Col 7, Line 20; Col 7, Line 61 – Col 8, Line 15). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to utilize a “diplexer” and other interconnection wiring components as taught by Swisher et al. for the purpose of providing a means so as to interconnect the Ansari et al. centralized gateway or “receiver” [10] and support bi-directional communications using existing in-home wiring schemes (Swisher et al.: Col 1, Line 44 – Col 2, Line 11).

10. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al. (US Pub No. 2003/0145321 A1), in view of Ansari et al. (US Pub No. 2004/006772 A1), and in further view of Kubischta et al. (US Pub No. 2002/0042915 A1).

In consideration of claim 3, the Ansari et al. ('772) reference discloses that the “remote control mechanism” is operable to communicate wirelessly (Para. [0030]), however, it is unclear if such necessarily utilizes a “wireless local area network communication protocol”. In a related art corresponding to video distribution systems, the Kubischta et al. reference discloses a system wherein a “remote control mechanism” [220] is “operable to communication using a wireless local area network communication protocol” such as 802.11a or 802.11b or “Bluetooth” (Para. [0037]). Accordingly, it would have been obvious

to one having ordinary skill in the art at the time the invention was made so as to modify the Ansari et al. “remote controllers” to utilize the remote controller teachings of Kubischta et al. as to utilize a “wireless local area network communication protocol” for the purpose of advantageously providing a means by which the remote controller may access and view content from the Internet without interrupting the current television channel (Kubischta et al.: Para. [0007] and [0008]).

In consideration of claim 4, as aforementioned, the Ansari et al. (‘772) reference is operable to support wireless communication so as to interconnect a “remote control” [52] to the “first decoder” [82]. The reference, however, does not explicitly illustrate a “radio communication module”. The Kubischta et al. reference explicitly illustrates a “radio frequency communication module” [210] which is “operable to support at least a portion of a communication path interconnecting the remote control and the first decoder” associated with a set-top box (STB) [102]. As aforementioned, it would have been obvious to one having ordinary skill in the art at the time the invention was made to particularly utilize an “radio communication module” so as to “support at least a portion of a communication path interconnecting the remote control and the first decoder” for the purpose of advantageously providing/implementing a wireless distribution means by which a remote control may access and view content from the Internet without interrupting the current television channel (Kubischta et al.: Para. [0007] and [0008]).

11. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ho (US Pat No. 6,622,307 B1) in view of Bates et al. (US Pub No. 2003/0145321 A1).

In consideration of claim 17, the Ho reference suggests the particular usage of parental control (Col 10, Line 67 – Col 11, Line 8), however it does not explicitly disclose nor preclude the ability to track “metrics associated with viewed programming”. As aforementioned, the related art Bates et al. reference discloses a method for “tracking a metric associated with [a] first frequency band, wherein the metric is selected from the group consisting of . . . amount of time associated with viewable content modulated on the first frequency band” (Bates et al.: Para. [0032]). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made modify Ho to utilize a “metrics engine” such as that disclosed by Bates et al. for the purpose of advantageously providing a means to track and limit the amount of time an individual may view a particular channel or program in a given period (Bates et al.: Para. [0048]).

12. Claims 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ho (US Pat No. 6,622,307 B1) in view of Dillon et al. (US Pat No. 6,430,233 B1).

In consideration of claim 16, while the Ho reference discloses the particular usage of a multiplexed packetized data stream from a DTH satellite (Col 1, Lines 50-56), the reference does not explicitly disclose that the “incoming signal comprises a multiplexed MPEG stream”. The Dillon et al. reference provides evidence that it is commonly known to those skilled in the art that DTH systems to utilize “MEPG” encoding (Dillion et al.: Col 2, Lines 5-16). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made such so as to employ “MPEG” encoding in connection with the “incoming signal” of the DTH system of Ho for the inherent advantages associated with the

particular usage of “MPEG” encoding including but not limited to the particular usage of an industry standard so as to ensure interoperability between devices.

In consideration of claim 19, the Ho reference discloses “receiving a multiplexed . . . stream” and “decoding” the “first” and “second video stream information” respectfully (Col 1, Lines 48-46; Col 5, Lines 51 – Col 3, Line 8). The reference, however, does not explicitly state the information stream necessarily utilizes “MPEG” encoding. The Dillon et al. reference provides evidence that it is commonly known to those skilled in the art that DTH systems to utilize “MEPG” encoding (Dillon et al.: Col 2, Lines 5-16). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to employ “MPEG” encoding in connection with the DTH system of Ho for the inherent advantages associated with the particular usage of “MPEG” encoding including but not limited to the particular usage of an industry standard so as to ensure interoperability between devices.

13. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al. (US Pub No. 2003/0145321 A1), in view of Ansari et al. (US Pub No. 2004/006772 A1), and in further view of Reyes et al. (US Pub No. 2002/0078442 A1).

In consideration of claim 25, as aforementioned, the Ansari et al. ('772) reference discloses that the system comprises a “remote control” [52/54/56/60] which is “operable to communicate with each of the plurality of remote controllable channel output modules” [82/84/86/90] and “remotely control at least one of the plurality of remote controllable channel output modules” (Ansari et al. ('772): Para. [0030]). The reference, however, does not particularly disclose nor preclude the particular usage of an “access engine” as claimed.

In a related art pertaining to restricting access to a remote control, the Reyes et al. reference discloses an “access engine associated with [a] remote control . . . operable to authorize the remote control to remotely control at least one of the plurality of remote controllable channel output modules” (Para. [0037] – [0038] and [0042]). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to utilize an “access engine” in conjunction with the Ansari et al. system for the purpose of providing a means to prevent accidental redirects of a viewing channel by children or other adults (Reyes et al.: Para. [0005]).

14. Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al. (US Pub No. 2003/0145321 A1), in view of Ansari et al. (US Pub No. 2004/006772 A1), and in further view of Cooper et al. (US Pat No. 6,754,904 B1).

In consideration of claim 27, the Ansari et al. reference discloses the ability to support web-based services including instant messaging services (Ansari et al. ('772): Para. [0051]), however it does not particularly disclose nor preclude that the system further comprises a “table mapping each of a plurality of viewers to at least one assigned frequency block”. In a related art associated video distribution systems, the Cooper et al. reference discloses a system that comprises a “table mapping each of a plurality of viewers to at least one assigned frequency block” [1206] identifying channel for which the viewer is currently watching (Figure 12A; Col 4, Lines 50-51; Col 6, Lines 53-56; Col 7, Lines 14-42). As is commonly understood in the art, a channel is representative of an “assigned frequency block”. The claim does not require that the particular “assigned frequency lock” is same as that of the independent claim. Accordingly, it would have been obvious to one having ordinary skill in

the art so as to modify the Ansari et al. system so as to utilize a “table mapping each of a plurality of viewers to at least one assigned frequency block” for the purpose of advantageously informing a first network user of the activities of a second network user within a geographic area serviced by a given provider (Cooper et al.: Col 2, Lines 38-44) in a manner that so as to facilitate message communications regarding viewed programming.

In consideration of claim 28, the Ansari et al. reference discloses the particular usage of a “graphical user interface (GUI) engine” [112] and discloses the ability to support web-based services including instant messaging services (Ansari et al. ('772): Para. [0051]), however it does not particularly disclose nor preclude the ability to “initiate display of a GUI element indicating video programs represented by the selected MPEG video stream output by each of the plurality of remote controllable channel output modules”. In a related art associated with determining what video programming particular viewers are watching, the Cooper et al. reference discloses a system wherein a “graphical user interface (GUI) engine” [516] is operable to “initiate presentation of a GUI on a television display” [502] coupled to a “premise network” interconnecting the centralized terminal with the television. The “graphical user interface (GUI) engine” [516] is “further operable to initiate display of a GUI element indicating video programs” being viewed by other network users viewing digital “video streams output” by a respective “channel output module” [510/512] (Figure 11; Col 7, Lines 14-38). Accordingly, it would have been obvious to one having ordinary skill in the art so as to modify the Ansari et al. system using the “graphical user interface (GUI) engine” of Cooper et al. so as to provide a means for advantageously informing a first network user of

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the activities of a second network user (Cooper et al.: Col 2, Lines 38-44) in a manner so as to facilitate message communications regarding viewed programming.

Taken in combination, the references would subsequently facilitate the ability for each user within the household to “initiate display of a GUI element indicating video programs represented by” not only “the selected MPEG video stream output by each of the plurality of remote controllable channel output modules”, but also those programs being currently watched by other network users. The in-home users could subsequently chat about related programming being viewed at different locations (both within and outside of the household).

15. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ehreth (US Pat No. 6,286,142 B1) in view of Reyes et al. (US Pub No. 2002/0078442 A1).

In consideration of claim 30, the Ehreth reference does not explicitly disclose the particular usage of access control techniques in conjunction with the user selecting a particular channel for viewing. In a related art pertaining to the problem of parental access controlling in a video distribution environment, the Reyes et al. reference discloses a method for locking a remote control so as to prevent channel change operations. In particular, once the remote controller has been locked, the system “prompts the first user to enter credentials” and “authorizes the first user to input the command” to subsequently change channels “in response to acceptance of the credentials” (Para. [0037] – [0038] and [0042]). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the program selection device [30] of Ehreth so as to require the particular entry of “credentials” prior to “authorizing” or enabling subsequent channel

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change operations for the purpose of providing a means to prevent accidental redirects of a viewing channel by children or other adults (Reyes et al.: Para. [0005]).

16. Claims 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ehreth (US Pat No. 6,286,142 B1) in view of Bates et al. (US Pub No. 2003/0145321 A1).

In consideration of claim 32, the Ehreth reference does not explicitly disclose nor preclude "tracking a viewing metric" of a given user. The Bates et al. reference provides evidence that it is known to "track a viewing metric of the first user" (Bates et al.: Para. [0026] and [0032]). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the Ehreth reference so as to further "track a viewing metric of the first user" for the purpose of advantageously providing a means to limit the viewing time of programming/channels and to further provide a means for reporting the stored metrics of such (Bates et al.: Para. [0005], [0048], and [0050]).

In consideration of claim 33, the Ehreth reference does not particularly disclose nor preclude the particular ability to "disable access to a certain video stream for at least one of the plurality of users". The Bates et al. reference provides evidence that it is known in the art to "disable access to a certain video stream for at least one of the plurality of users" such as children (Para. [0031] and [0032]). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify Ehreth so as to "disable access to a certain video stream for at least one of the plurality of users" as taught by Bates et al. for the purpose of providing a means for parents to control the channels and programs available for viewing (Bates et al.: Para. [0005] and [0047]).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 571-272-7343.

The examiner can normally be reached on Monday-Friday from 8:30 a.m. - 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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SEB
August 18, 2005



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